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26813	7590	10/21/2004	EXAMINER	
MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581415 MINNEAPOLIS, MN 55458			TON, DANG T	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/400,607
Filing Date: September 20, 1999
Appellant(s): CASWELL ET AL.

Multi-Tech Systems, Inc
For Appellant

EXAMINER'S ANSWER

MAILED

OCT 21 2004

GROUP 2600

This is in response to the appeal brief filed 07/12/2004.

(1) Real Party in Interest:

*The real party in interest is Multi-tech systems, Inc. of Mounds View, Minnesota,
as evidenced by the assignment at reel 7303/Frame 0831.*

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 7-19 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,644,629

Chow

04/27/1995

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of background invention of Chow or Chow(newly cited 5,644,629).

For claims 7,9,15,16,17,18, and 19,Long discloses a telephone circuit to control off-hook status during receipt of called ID signal comprising:

preprogramming method device with access parameters(see box 40 in figure 3B);

detecting a phone call(see box DAA in figure 3B);

receiving caller identification information without answering the phone call (see box 35 in figure 3B);

decoding caller identification information (see box 35 in figure 3B);

comparing caller identification information with access parameters to determine whether access is authorized (see box 41 in figure 3B);

if access is unauthorized using the answering machine respond in the normal fashion (see column 4 lines 50-51) ;

if access is authorized, enabling a connection to the telephone personal communications system (see column 4 lines 47-49) ;

a ring detector, connected to the telephone input port, for detecting incoming calls (see column 6 lines 61-61);

an off hook circuit connected to the telephone input port (see column 4 lines 66-68 and column 6 lines 11-12);

a controller, connected to the ring detector , off hook circuit and caller identification information decoder (see box 65 in figure 4);

a memory, connected to the controller, for storing the access matrix (see box 40 in figure 3B); and

wherein the controller being a processor (see box 65 in figure 4);

wherein the controller being combinational logic (see box 65 in figure 4);

a dc holding circuit, connected to the off hook circuit and the input port, for maintaining a connection with incoming telephone calls (see relays 1 and 2 in figure 3B and DC in

figure 3C); and

a list of authorized/ unauthorized caller telephone numbers (see column 4 lines 52-54).

For claims 7,9,15,16,17,18, and 19, Long discloses all the subject matter of the claimed invention with the exception placing the telephone personal communications system off hook and then hanging up so as to prevent access to the telephone personal communications system. The background invention of Chow or Chow from the same or similar fields of endeavor teaches a provision of the automatic answering device will go off-hook, the present invention detects the off-hook signal, waits for a second or so, then breaks the connection to the incoming telephone lines, thus going quick on-hook to terminating the call. To the caller it will sound as if receiver was lifted and immediately replaced (see column 2 lines 7-13). Chow also teaches reject R these are unwanted calls that are terminated by going off-hook followed immediately by going on-hook. The phone does not ring in this preferred embodiment. Response to the calls could be programmed to be not answered at all (see column 8 lines 54-58). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the quick hang up as taught by the background invention of Chow or Chow in the communications network of Long. The quick hang up

as taught by Chow can be modified/implemented into the communications network Long by connecting the answering machine box 19 of Chow into the intelligent workstation box 69 of Long since Long has been suggested that the processing circuit then operates the relays connecting the telephone to the telephone system so the customer can either answer the call or ignore it or if there is an answering machine, let the answering machine respond in the normal fashion (see column 4 lines 47-51) and the intelligent workstation 69 has ability to store predetermined audio message (answering machine) to the calling party under the control of database program (see column 7 lines 54-57). The motivation for using the quick hang-up as taught by the background of invention of Chow or Chow in the communications network of Long being that it provides efficiency in call handling as well as improved call routing since it prevents the unauthorized callers get access to the telephone communication system.

For claims 8, 10, 11, 12, 13, and 14 Long and Chow disclose all the subject with the exception of a list of authorized/unauthorized caller names, a list of authorized times of day to call and a list of authorized day to accept the calls in the communications network. However, programming authorized/unauthorized caller names, authorized times of day to call and authorized day to accept the calls in the communications network well-known in the art. Thus, it would

have been obvious to the person of ordinary skill in the art at the time of the invention to program the list of authorized/unauthorized caller names, the list of authorized times of day to call and the list of authorized day to accept the calls in the communications network of Long and Chow. Programming the list of authorized/unauthorized caller names, the list of authorized times of day to call and the list of authorized day to accept the calls can be modified /implemented into the communications network of Long by programming the lists above into the memory of Long since long has the memory stored a list of either acceptable DNS or a list of unacceptable DNS(see column 4 lines 52-54). The motivation for using programming the list of authorized/unauthorized caller names, the list of authorized times of day to call and the list of authorized day to accept the calls in the communications network of Long and Chow being that it provides more security for the system since it prevents the callers got access to the telephone communications system based on authorization/unauthorization from the called party.

(11) Response to Argument

In the remarks of 07/12/2004 appellant traverses the rejection of claims 7-19 under 35 U.S.C 103. The traversal is based on the ground that there is no suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art to modify Long with any of the teachings of Chow to provide the present invention . For example, Long teaches hang up by the calling party and Chow teaches hang up by the called party. This argument is not found to be persuasive . Examiner agreed with appellant that Long teaches the hang up by the calling party. However, Long does suggested that the intelligent workstation 69 at the called party has ability to store predetermined audio and transmit a selected message to the calling party under control of the database program. The IWS unit 69 preferable can send and receive facsimile, voice and data signals (such as answering machine) also under control of the applicant program. The details of the IWS 69, which are known in the art (see column 7 lines 54-62). Long also suggest that the called party either answer the call or ignore it or if there is an answering machine, let the answering respond in the normal fashion (see column 4 lines 49-51). Chow or background of Chow do teach quick hang up by using the answering machine at the called party (see column 2 lines 7-14 and column 8 lines 54-58 wherein it teaches " The automatic answering device will go off-hook, the present invention detects the off-hook signal, waits for a second or so, and then breaks the connection to the incoming telephone lines, thus going quickly on-hook to terminating the call. To the caller it will sound as if a receiver was lifted and immediately replaced "). Therefor it is proper to use the teaching of the

quick hang up by the answering machine at the called party as taught by Chow or the background invention of Chow into the network of Long since Long reference does suggest the function the IWS 69 can be used as the answering machine which terminates the call at the called party.

The principle of teach of Long and Chow are similar since they do teach caller ID (CID) which allows certain telephone number to get access to the telephone system. In long reference, if the called customer does not pick up the receiver, the ring signal continues until the calling party hang up their telephone . There is disadvantage in the teaching of Long because if the calling party does not hang up their telephone; the called party can not receiver another telephone call. The Chow reference does teaches quick hang up at the called party by using the answering device. Thus , it would be motivated to modify Long with the teaching of quick hang up at the called party of Chow to make the system of Long further advantage to receiver the another call and the principle of operation of Long does not change when combined the references since Long does suggest that the operation of Long can connect with the answering device.

For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 09/400,607
Art Unit: 2666

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Respectfully submitted,



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PRIMARY EXAMINER

September 16, 2004

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